

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT A. PASTOR, et al.,
Plaintiffs,
v.
BANK OF AMERICA,
Defendant.

Case No. 15-cv-03831-VC

**ORDER RE SUPPLEMENTAL
PRELIMINARY APPROVAL**

Re: Dkt. Nos. 68, 71, 72, 73

1. The settlement website should be revised as follows:
 - a. The site should not use the acronym "BANA." *See* Dkt. No. 51.
 - b. The Frequently Asked Questions page must be updated.
 - c. The class notice page should be updated once the second notice is finalized; the page should also attach blank claim forms.
 - d. The personalized claim forms generated on the website must be modified so they no longer state the outdated November 17, 2017 deadline.
2. The long-form notice should be further revised as follows:
 - a. On the first page, the sentence that begins "If the below criteria are met" should be modified to say: "If you received this notice by mail, Bank of America and the lawyers representing the settlement class believe that you are part of the Settlement Class and are eligible to receive payment from the Settlement Fund. You are entitled to receive payment from the Settlement Fund if:" In addition, "You timely submit a Claim Form" should be revised to "You submit a Claim Form by June 19, 2018."
 - b. Also on the first page, "You are receiving this Notice and are a part of Group 2

because no one in Group 2 was identified as a Class Member prior to the Group 1 notices and claim process" should be changed to "Group 2 is receiving notice now because the class members in Group 2 were not identified until after notice was sent to Group 1." Also, "class member from Group 1 would have received" should be changed to "class member from Group 1 will receive."

c. The notice repeatedly refers to the "class representative," and states that the class representative is "in this case, one former Bank of America customer." But there are four class representatives. The notice should be revised to correct these errors.

d. In paragraph 1, the following sentences should be deleted: "The person who sued is called the 'Plaintiff.' Bank of America is the 'Defendant.'"

e. In paragraph 2, "The lawsuit concerns" should be changed to "The lawsuit is about."

f. Paragraph 5 should be revised to begin: "The Court has not decided whether Bank America has broken any law or done anything wrong. Instead, the Class Representatives and Bank of America have agreed to a Settlement before any decision about the legality of Bank of America's conduct was made by the Court." The following sentence should be cut from that paragraph: "The proposed Settlement does not mean that any law was broken or that Bank of America did anything wrong." Also, "the Parties" should be changed to "both sides."

g. The blank in paragraph 21 should be filled in to say "10:00 a.m."

3. The parties must submit a revised proposed long-form notice, the proposed postcard notice, and the revised claims forms by March 14, 2018.

IT IS SO ORDERED.

Dated: March 13, 2018



VINCE CHHABRIA
United States District Judge